

1 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA

2 UNITED STATES OF AMERICA,  
3 Plaintiff,

4 v.

5 JOSEPH NESKE,  
6 Defendant.

Case No. CR12-47MJP

FILED

ENTERED  
RECEIVED

DETENTION ORDER

LODGED

APR 16 2012

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY  
BY

6 THE COURT, having conducted a detention hearing pursuant to 18 U.S.C. ' 3142, finds that no condition or  
7 combination of conditions which defendant can meet will reasonably assure the appearance of the defendant as required  
8 and/or the safety of any other person and the community.

8 This finding is based on 1) the nature and circumstances of the offense(s) charged, including whether the offense  
9 is a crime of violence or involves a narcotic drug; 2) the weight of the evidence against the person; 3) the history and  
10 characteristics of the person including those set forth in 18 U.S.C. ' 3142(g)(3)(A)(B); and 4) the nature and seriousness of  
11 the danger release would impose to any person or the community.

10 Findings of Fact/ Statement of Reasons for Detention

11 Presumptive Reasons/Unrebutted:

- 11 ( ) Conviction of a Federal offense involving a crime of violence. 18 U.S.C. ' 3142(f)(A)  
12 ( ) Potential maximum sentence of life imprisonment or death. 18 U.S.C. ' 3142(f)(B)  
12 ☒ Potential maximum sentence of 10+ years as prescribed in the Controlled Substances Act (21 U.S.C. ' 801 et seq.),  
the Controlled Substances Import and Export Act (21 U.S.C. ' 951 et seq.) Or the Maritime Drug Law  
Enforcement Act (46 U.S.C. App. 1901 et seq.)  
13 ( ) Convictions of two or more offenses described in subparagraphs (A) through (C) of 18 U.S.C. ' 3142(f)(1) of two  
14 or more State or local offenses that would have been offenses described in said subparagraphs if a circumstance  
giving rise to Federal jurisdiction had existed, or a combination of such offenses.

15 Safety Reasons:

- 15 ( ) Defendant is currently on probation/supervision resulting from a prior offense.  
16 ( ) Defendant was on bond on other charges at time of alleged occurrences herein.  
16 ☒ Defendant=s criminal history and substance abuse issues.  
16 ☒ History of failure to comply with Court orders and terms of supervision.

17 Flight Risk/Appearance Reasons:

- 18 ( ) Defendant=s lack of appropriate residence.  
18 ( ) Immigration and Naturalization Service detainer.  
18 ( ) Detainer(s)/Warrant(s) from other jurisdictions.  
19 ☒ Failures to appear for past court proceedings.  
20 ( ) Past conviction for escape.

21 Order of Detention

21 < The defendant shall be committed to the custody of the Attorney General for confinement in a corrections  
22 facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody  
pending appeal.

23 < The defendant shall be afforded reasonable opportunity for private consultation with counsel.

< The defendant shall on order of a court of the United States or on request of an attorney for the Government, be  
delivered to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

April 16, 2012.

Dean Brett, U.S. Magistrate Judge

12-CR-00048-ORD